

semiconductor film.

Yamazaki et al. '080 discloses a first laser annealing step using an excimer laser and a second laser annealing step using a YAG laser (see col. 4, line 51 to col.5-line 6). Yamazaki et al. '084 discloses using a Nd:YAG laser and its second, third and fourth high harmonics, carbon dioxide gas laser, argon ion laser, and copper vapor laser (see col.3, lines 46-54). In the Final Rejection, the Examiner contends that it would have been obvious to use a second harmonic of a YAG of Yamazaki '084 as the second laser in Yamazaki '080.

Applicant respectfully disagrees. This rejection clearly appears to be an "obvious to try" type rejection as there is no motivation or teaching to combine these teachings. Yamazaki never teaches nor suggests the desirability of using the second harmonic of YAG as compared with the remaining lasers. While Yamazaki '080 teaches the use of a YAG for the second laser irradiation step, there is no discussion about the wavelength of the YAG laser.

The Court of Appeals for the Federal Circuit requires that there be a teaching or motivation in the references in order to combine the references. An obvious to try rejection is improper under the law. Since there is no motivation or suggestion to combine these references, the combination thereof is improper, and the rejection based thereon should be withdrawn.

Further, none of these references teaches nor suggests the desirability of using the particular type of YAG laser (i.e. the second harmonic of YAG) of the claimed invention as the second irradiation step.

Therefore, for at least the above-stated reasons, the rejected claims are patentable over the cited references.

Claims 18-22 and 31-40

The Examiner further rejects Claims 18-22 and 31-40 under 35 USC 103 as being unpatentable over Yamazaki et al. '080 in view of Yamazaki et al. '084, and further in view of Kato et al. 5,589,406. This rejection is also respectfully traversed.

For substantially the same reasons discussed above, these claims are also patentable over the cited references.


Conclusion

Accordingly, Applicant respectfully submits that the present application is in a condition for allowance and requests that it be allowed.

If any fee is due for this response, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,


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